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EXAMINER

STIBLEY, MICHAEL R

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3688

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ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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DETAILED ACTION

1. This office action is in response to the remarks and claim amendments filed on 4/30/2009.

CLAIM STATUS

2. Claims 1-34 and 38 are currently pending in the instant application and have been examined.

DRAWING OBJECTIONS

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, newly added claim features including at least: the providing machine-readable coded data on a surface of the article, the coded data comprising coded data portions, each coded data portion identifying the article and a position of the coded data portion on the surface of the article; and determining by the computer system that the position of the sensed coded data portion relates to an information request; and the steps performed by the computer system must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the

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drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

4. Claims 2-34 and 38 are objected to because of the following informalities: Dependent claims 2-24 and 38 depend off the method claim of claim 1. Thus, for proper antecedent basis, the preamble of the dependent claims should read "the method" not "a method". Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 1- 34 and 38 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Particularly, Examiner cannot find support for the limitation "determining by the computer system that the position of the sensed coded data portion relates to an information request" in Claim 1, of which Claims 2-34 and 38 depend. While the specification discusses

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how a tag uniquely identifies the surface on which it appears, as well as its own position or how the network can tell the handset which satellites to use in its position calculations, Examiner is not convinced that a person skilled in the art would recognize that the written description of the invention provides support for the claims. While limitations may be supported through express, implicit or inherent disclosure (MPEP 2163.07(a)) Examiner does not find express, implicit or inherent disclosure "determining by the computer system that the position of the sensed coded data portion relates to an information request.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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8. Claims 1-34 and 38 are rejected under 35 U.S.C. §103(a) as being unpatentable over Roy Want et al (WANT)(United States Patent 6,122,520) in view of Magnus Tillgren et al (TILLGREN)(United States Patent 6,839,623 B1).

As per Claim 1, WANT teaches: A method of providing a user with information about a product or service, associated with an article, the method comprising the steps of:

See at least Col 2- lines 34-47, particularly "...bar code labels...various stores, public buildings, exhibition centers, statutes and the like...location specific information or provides a hyperlink..."

providing machine-readable coded data on a surface of the article, the coded data comprising coded data portions, each coded data portion identifying the article and

See at least Col 2- lines 34-47, particularly "...bar code labels...various stores, public buildings, exhibition centers, statutes and the like...location specific information or provides a hyperlink..."

sensing by a sensing device at least one of the coded data portion when the sensing device is brought in an operative position relative to the surface of the article; See at least Fig. 4 elements 160, 212

forming by the sensing device interaction data identifying the article and ; See at least "...PDA is provided with a bar code scanner for scanning the bar code on the bar code labels..." Col 2 lines 34-40; See also "...a bar code scanner 160 for scanning and decoding the bar code label 212..." Col 6 lines 30-54

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communicating by the sensing device the interaction data to a computer system; “...the computer or PDA is provided with a bar code scanner for scanning the bar code on the bar code labels... web page associated with the coordinate entry is then retrieved and displayed on the computer or PDA...” Col 2 lines 34-40

receiving by the computer system the interaction data

; “...the computer or PDA is provided with a bar code scanner for scanning the bar code on the bar code labels... web page associated with the coordinate entry is then retrieved and displayed on the computer or PDA...” Col 2 lines 34-40

determining by the computer system and from the interaction data an identity of the article and;

See at least “...Printed label codes and other labeling systems can also be used with the location information system. In one embodiment, bar code labels may be provided on various stores, [service] public buildings [product or service] exhibition centers [product or service] statutes [product] and the like. The computer or PDA is provided with a bar code scanner [sensing device] for scanning the bar code [coded data] on the bar code labels. The system then decodes [interaction data] the bar code to obtain the coordinate [position/location]entry [each coded data portion identifying the article and a position of the coded data portion on the surface of the article] or URL for the associated web page. The coordinate entry is provided to the distributed network, which either incorporates the coordinate entry into a URL referencing a web page on a predetermined node which contains the **location specific information** or provides a “hyperlink” to a preexisting web page located on a separate node on the distributed network...” Col 2 lines 34-47 See also

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“...the corresponding web pages provide the user with specific information associated with the coordinate entry representing that location...” Col 5 lines 3-5

receiving by the computer system location data indicative of a geographical location;

See at least “...Printed label codes and other labeling systems can also be used with the location information system. In one embodiment, bar code labels may be provided on various stores, [service] public buildings [product or service] exhibition centers [product or service] statutes [product] and the like. The computer or PDA is provided with a bar code scanner [system] for scanning the bar code on the bar code labels. The system then decodes the bar code to obtain the **coordinate [position/location data indicative of a geographical location]**entry [each coded data portion identifying the article and a position of the coded data portion on the surface of the article] or URL for the associated web page. The coordinate entry is provided to the distributed network, which either incorporates the coordinate entry into a URL referencing a web page on a predetermined node which contains the location specific information or provides a “hyperlink” to a preexisting web page located on a separate node on the distributed network...” Col 2 lines 34-47 See also “...the corresponding web pages provide the user with specific information associated with the coordinate entry representing that location...” Col 5 lines 3-5

Retrieving by the computer system the information about the product or service based upon the location data and the identity of the article;

See at least “...Printed label codes and other labeling systems can also be used with the location information system. In one embodiment, bar code labels may be provided on

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various stores, [service] public buildings [product or service] exhibition centers [product or service] statutes [product] and the like. The computer or PDA is provided with a bar code scanner [system] for scanning the bar code on the bar code labels. The system then decodes the bar code to obtain the coordinate [position/location data indicative of a geographical location]entry [each coded data portion identifying the article and a position of the coded data portion on the surface of the article] or URL for the associated web page. The coordinate entry is provided to the distributed network, which either incorporates the coordinate entry into a URL referencing a web page on a predetermined node which contains the location specific information or provides a “hyperlink” to a preexisting web page located on a separate node on the distributed network...” Col 2 lines 34-47 See also “...the corresponding web pages provide the user with specific information associated with the coordinate entry representing that location...” Col 5 lines 3-5 See also The system and method provides allows for labeled objects [**articles or products**] to be “linked” to associated web page(s). The infrared beacons or the bar code labels can also be used with objects [**product or article**] that have associated manuals or other written materials that are electronically available on the distributed network. That is, the user can electronically access an electronic version of its manual or other written material [**identity of article**] by using information obtained from an infrared beacon or bar code label. Web pages corresponding to the URL to the distributed network are then provided to the computer via the transceiver and displayed on the display. The infrared beacons or the bar code labels can also be used directly with manuals [**product or**

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articles] or other written materials that are electronically available on the distributed network. Col 7 lines 9-40 see also FIG 6

and providing by the computer system the information about the product or service to the user.

“...the corresponding web pages provide the user with specific information associated with the coordinate entry representing that location...” Col 5 lines 3-5 See also The system and method provides allows for labeled objects [**articles or products**] to be “linked” to associated web page(s). The infrared beacons or the bar code labels can also be used with objects [**product or article**] that have associated manuals or other written materials that are electronically available on the distributed network. That is, the user can electronically access an electronic version of its manual or other written material [**identity of article**] by using information obtained from an infrared beacon or bar code label. Web pages corresponding to the URL to the distributed network are then provided to the computer via the transceiver and displayed on the display. The infrared beacons or the bar code labels can also be used directly with manuals [**product or articles**] or other written materials that are electronically available on the distributed network. Col 7 lines 9-40 see also FIG 6 See also “...the corresponding web pages provide the user with specific information associated with the coordinate entry representing that location...” Col 5 lines 3-5

WANT teaches a location information system using a positioning system, such as the civilian Navstar Global Positioning System (GPS), in combination with a distributed network. The location information system includes a radio transceiver for communicating to the

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distributed network and a GPS receiving system. The GPS receiving system receives a signal from the GPS and converts it into a coordinate entry. The coordinate entry is transmitted to the distributed network for retrieval of corresponding location specific information. The location specific information may reside on a web page. The coordinate entry may be incorporated into the web page address that supports the coordinate entry or linked to an existing web page associated with the coordinate entry. The web page and associated information is displayed. Bar code labels, infrared beacons and other labeling systems may also be used in the location information system in place of or in addition to the GPS receiving system to supply location identification information. (abstract)

The system and method provides allows for labeled objects [**articles or products**] to be “linked” to associated web page(s). The infrared beacons or the bar code labels can also be used with objects [**product or article**] that have associated manuals or other written materials that are electronically available on the distributed network. That is, the user can electronically access an electronic version of its manual or other written material [**identity of article**] by using information obtained from an infrared beacon or bar code label. Web pages corresponding to the URL to the distributed network are then provided to the computer via the transceiver and displayed on the display. The infrared beacons or the bar code labels can also be used directly with manuals [**product or articles**] or other written materials that are electronically available on the distributed network. Col 7 lines 9-40 see also FIG 6

Claim 1 reads A location information system that displays location specific information, the location information system, comprising: A receiver that receives location identification information [**location data indicative of a geographical location**] from at least one site specific

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object identifying a location; and a transceiver that transmits the location identification information to a distributed network and that receives the location specific information about the specified location from the distributed network based on the location identification information, wherein the location specific information provides information [provides information to user, including identification information] corresponding to the location. See also Claims 2-28.

Printed label codes and other labeling systems can also be used with the location information system. In one embodiment, bar code labels may be provided on [on or in a surface of an article] various stores, public buildings, exhibition centers, statutes and the like [product or article]. The computer or PDA is provided with a bar code scanner [sensing device] for scanning the bar code [coded data] on the bar code labels. The system then decodes the bar code to obtain the coordinate entry or URL for the associated web page. The coordinate entry is provided to the distributed network, which either incorporates the coordinate entry into a URL referencing a web page on a predetermined node which contains the location specific information or provides a "hyperlink" to a preexisting web page located on a separate node on the distributed network. (Col 2 lines 5-60) See also FIGS 1-8 and corresponding descriptions located at Col 4 Line 5-Col 9 line 67.

In general, WANT teaches a system and method for obtaining location data on a product or item once a coded section is scanned into the computer system so that information regarding the coded data identifier or bar code and its corresponding product or article can be provided to user

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Although WANT teaches a system and method for obtaining location data on a product or item once a coded section is scanned into the computer system so that information regarding the coded data identifier or bar code and its corresponding product or article can be provided to user, **nevertheless, WANT** does not expressly disclose a position of the coded data portion on the surface of the article or determining by the computer system that the position of the sensed coded data portion relates to an information request.

HOWEVER, TILLGREN does disclose a position of the coded data portion on the surface of the article or determining by the computer system that the position of the sensed coded data portion relates to an information request

(See at least **TILLGREN** “...coordinate information collected by pen...” Col 4 Lines 33-50; see also “...when the electronic pen detects a new or unknown position, it forwards the position information to the electronic pen client, which in turn sends the information to the name server...” Col 5 lines 30-45)

THEREFORE, it would have been obvious to a person having ordinary skill in the art at the time of the invention to have combined the teachings of **TILLGREN** with **WANT** so as to provide a system and method utilizing a sensing device and code to identify products and their geographic location, and position of coded data on the surface **thereby** allowing for customers and users of products to obtain the most up to date and current information regarding a potential product that they may be interested in purchasing once coded data and its position on an article is scanned, sensed or determined while allowing manufacturers, advertisers, or other providers of information to send data to customers and users of sensing or scanning devices in a quick and

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efficient manner targeted to the specific position of the coded data on the article as the consumer is likely to be very interested in such information .

As per Claim 2, WANT and TILLGREN teaches: A method according to claim 1 as disclosed above, **WANT** further teaches: wherein the information is indicative of a location of a commercial entity. (Col 2 Lines 35-40) See also FIGS 1-8 and corresponding descriptions located at Col 4 Line 5-Col 9 line 67.

As per Claim 3, WANT and TILLGREN teaches: A method according to claim 1 as disclosed above, **WANT** further teaches: wherein the retrieving step includes determining that the article has been purchased. (abstract) See also FIGS 1-8 and corresponding descriptions located at Col 4 Line 5-Col 9 line 67

As per Claim 4, WANT and TILLGREN teaches: A method according to claim 1 as disclosed above, **WANT** further teaches: wherein the information is indicative of an inducement to buy the product or service. (abstract) See also FIGS 1-8 and corresponding descriptions located at Col 4 Line 5-Col 9 line 67

As per Claim 5, WANT and TILLGREN teaches: A method according to claim 4 as disclosed above, **WANT** further teaches: wherein the inducement is a price discount. (abstract) See also FIGS 1-8 and corresponding descriptions located at Col 4 Line 5-Col 9 line 67

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As per Claim 6, WANT and TILLGREN teaches: A method according to claim 5 as disclosed above, WANT further teaches: wherein the price discount is only valid at an outlet of a commercial entity at the location. (abstract) See also FIGS 1-8 and corresponding descriptions located at Col 4 Line 5-Col 9 line 67

As per Claim 7, WANT and TILLGREN teaches: A method according to claim 5 as disclosed above, WANT further teaches: wherein the price discount is valid at any of a number of outlets of the commercial entity. (abstract) See also FIGS 1-8 and corresponding descriptions located at Col 4 Line 5-Col 9 line 67

As per Claim 8, WANT and TILLGREN teaches: A method according to claim 1 as disclosed above, WANT further teaches: further including the step of receiving, in the computer system, identity data indicative of an identity of at least one of the sensing device and the user. (abstract) See also FIGS 1-8 and corresponding descriptions located at Col 4 Line 5-Col 9 line 67

As per Claim 9, WANT and TILLGREN teaches: A method according to claim 1 as disclosed above, WANT further teaches: further including the step of receiving, in the computer system, alias identity data indicative of an alias identity of at least one of the sensing device and the user. (abstract) See also FIGS 1-8 and corresponding descriptions located at Col 4 Line 5-Col 9 line 67

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As per Claim 10, WANT and TILLGREN teaches: A method according to claim 1 as disclosed above, WANT further teaches: the location data having been provided by the sensing device. (Col 2 lines 5-60) See also FIGS 1-8 and corresponding descriptions located at Col 4 Line 5-Col 9 line 67

As per Claim 11, WANT and TILLGREN teaches: A method according to claim 10 as disclosed above, WANT further teaches: the location data having been generated by the sensing device. (Col 2 lines 5-60) See also FIGS 1-8 and corresponding descriptions located at Col 4 Line 5-Col 9 line 67

As per Claim 12, WANT and TILLGREN teaches: A method according to claim 1 as disclosed above, WANT further teaches: the location data having been provided by a mobile communications device. (Col 2 lines 5-60) See also FIGS 1-8 and corresponding descriptions located at Col 4 Line 5-Col 9 line 67

As per Claim 13, WANT and TILLGREN teaches: A method according to claim 12 as disclosed above, WANT further teaches: the location data having been generated by the mobile communications device. (Col 2 lines 5-60) See also FIGS 1-8 and corresponding descriptions located at Col 4 Line 5-Col 9 line 67

As per Claim 14, WANT and TILLGREN teaches: A method according to claim 11 as disclosed above, WANT further teaches: wherein the location data is based on Global

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Positioning System (GPS) location information generated by a GPS receiver in the sensing device. (abstract) See also FIGS 1-8 and corresponding descriptions located at Col 4 Line 5-Col 9 line 67

As per Claim 15, WANT and TILLGREN teaches: A method according to claim 13 as disclosed above, **WANT** further teaches: wherein the location data is based on Global Positioning System (GPS) location information generated by a GPS receiver in the mobile communications device. (Col 2 lines 5-60) See also FIGS 1-8 and corresponding descriptions located at Col 4 Line 5-Col 9 line 67

As per Claim 16, WANT and TILLGREN teaches: A method according to claim 10 as disclosed above, **WANT** further teaches: the location data having been generated by a telecommunications network associated with the sensing device. (Col 2 lines 5-60) See also FIGS 1-8 and corresponding descriptions located at Col 4 Line 5-Col 9 line 67

As per Claim 17, WANT and TILLGREN teaches: A method according to claim 12 as disclosed above, **WANT** further teaches: the location data having been generated by a telecommunications network associated with the mobile communications device. (Col 2 lines 5-60) See also FIGS 1-8 and corresponding descriptions located at Col 4 Line 5-Col 9 line 67

As per Claim 18, WANT and TILLGREN teaches: A method according to claim 10 as disclosed above, **WANT** further teaches: wherein the sensing device includes a wireless

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receiver for receiving radio-frequency data from a transmitter, the radio- frequency data including location information upon which the location data is based. (Col 2 lines 5-60) See also FIGS 1-8 and corresponding descriptions located at Col 4 Line 5-Col 9 line 67

As per Claim 19, WANT and TILLGREN teaches: A method according to claim 12 as disclosed above, **WANT** further teaches: wherein the mobile communications device includes a wireless receiver for receiving radio-frequency data from a transmitter, the radio-frequency data including location information upon which the location data is based. (Col 2 lines 5-60) See also FIGS 1-8 and corresponding descriptions located at Col 4 Line 5-Col 9 line 67

As per Claim 20, WANT and TILLGREN teaches: A method according to claim 12 as disclosed above, **WANT** further teaches: wherein the sensing device and the mobile communication device are integrated in a single device. (Col 2 lines 5-60) See also FIGS 1-8 and corresponding descriptions located at Col 4 Line 5-Col 9 line 67

As per Claim 21, WANT and TILLGREN teaches: A method according to claim 13 as disclosed above, **WANT** further teaches: wherein the sensing device and the mobile communication device are integrated in a single device. (Col 2 lines 5-60) See also FIGS 1-8 and corresponding descriptions located at Col 4 Line 5-Col 9 line 67

As per Claim 22, WANT and TILLGREN teaches: A method according to claim 15 as disclosed above, **WANT** further teaches: wherein the sensing device and the mobile

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communication device are integrated in a single device. (Col 2 lines 5-60) See also FIGS 1-8 and corresponding descriptions located at Col 4 Line 5-Col 9 line 67

As per Claim 23, WANT and TILLGREN teaches: A method according to claim 17 as disclosed above, **WANT** further teaches: wherein the sensing device and the mobile communication device are integrated in a single device. (Col 2 lines 5-60) See also FIGS 1-8 and corresponding descriptions located at Col 4 Line 5-Col 9 line 67

As per Claim 24, WANT teaches: A method according to claim 19 as disclosed above, **WANT** further teaches: wherein the sensing device and the mobile communication device are integrated in a single device. (Col 2 lines 5-60) See also FIGS 1-8 and corresponding descriptions located at Col 4 Line 5-Col 9 line 67

As per Claim 25, WANT and TILLGREN teaches: A method according to claim 1 as disclosed above, **WANT** further teaches: the location data having been generated by a telecommunications network associated with the sensing device. (Col 2 lines 5-60) See also FIGS 1-8 and corresponding descriptions located at Col 4 Line 5-Col 9 line 67

As per Claim 26, WANT and TILLGREN teaches: A method according to claim 25 as disclosed above, **WANT** further teaches: the location data having been derived using an Uplink Time Difference of Arrival technique. (Col 2 lines 5-60) See also FIGS 1-8 and corresponding descriptions located at Col 4 Line 5-Col 9 line 67

As per Claim 27, WANT and TILLGREN teaches: A method according to claim 1 as disclosed above, WANT further teaches: wherein the location data is received from a server, the server maintaining location data for a plurality of the articles based on last known locations of the respective articles. (Col 2 lines 5-60) See also FIGS 1-8 and corresponding descriptions located at Col 4 Line 5-Col 9 line 67

As per Claim 28, WANT and TILLGREN teaches: A method according to claim 1 as disclosed above, WANT further teaches: wherein the providing step includes sending the information to an electronic address associated with at least one of the user and the sensing device. (Col 2 lines 5-60) See also FIGS 1-8 and corresponding descriptions located at Col 4 Line 5-Col 9 line 67

As per Claim 29, WANT and TILLGREN teaches: A method according to claim 1 as disclosed above, WANT further teaches: wherein the geographical location is an area. (Col 2 lines 5-60) See also FIGS 1-8 and corresponding descriptions located at Col 4 Line 5-Col 9 line 67

As per Claim 30, WANT and TILLGREN teaches: A method according to claim 29 as disclosed above, WANT further teaches: wherein the area is defined by a postal or zip code. (Col 2 lines 5-60) See also FIGS 1-8 and corresponding descriptions located at Col 4 Line 5-Col 9 line 67

As per Claim 31, WANT and TILLGREN teaches: A method according to claim 29 as disclosed above, **WANT** further teaches: wherein the area is a city, suburb or town. (Col 2 lines 5-60) See also FIGS 1-8 and corresponding descriptions located at Col 4 Line 5-Col 9 line 67

As per Claim 32, WANT and TILLGREN teaches: A method according to claim 1 as disclosed above, **WANT** further teaches: wherein the geographical location is an area at least partially defined by a transmission footprint of one or more cells of telecommunications network that forms at least part of a communication path via which at least one of the location data and the interaction data are received in the computer system. (Col 2 lines 5-60) See also FIGS 1-8 and corresponding descriptions located at Col 4 Line 5-Col 9 line 67

As per Claim 33, WANT and TILLGREN teaches: A method according to claim 16 as disclosed above, **WANT** further teaches: wherein the geographical location is an area at least partially defined by a transmission footprint of one or more cells of the telecommunications network. (Col 2 lines 5-60) See also FIGS 1-8 and corresponding descriptions located at Col 4 Line 5-Col 9 line 67

As per Claim 34, WANT and TILLGREN teaches: A method according to claim 17 as disclosed above, **WANT** further teaches: wherein the geographical location is an area at least partially defined by a transmission footprint of one or more cells of the telecommunications

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network. (Col 2 lines 5-60) See also FIGS 1-8 and corresponding descriptions located at Col 4

Line 5-Col 9 line 67

As per Claim 38, WANT and TILLGREN teaches: A method according to claim 5 as disclosed above, WANT further teaches: wherein the providing step includes causing a printer to print the information in the form of a voucher for obtaining the discount. (Col 2 lines 5-60) See also FIGS 1-8 and corresponding descriptions located at Col 4 Line 5-Col 9 line 67

Response to Arguments

9. Applicant's remarks of 4/30/2009 are based on the newly amended claims and such arguments are fully addressed in the present Office Action as featured above.

Examiner withdraws previous §101 rejection as Examiner considers the claims to meet the statutory requirements.

Applicant contends that Want fails to disclose various of the newly amended limitations such as: coded data portions identifying the article and a position of the coded data portion on the surface of the article. This has been addressed in the Office Action above via a §103 obviousness rejection. Tilligren teaches coordinate system and obtaining information related to position of coded data. Further, Applicant contends that forming by a sensing device is not disclosed. However Want discloses a scanner system which interacts with the coded data and sends this interaction data to a computer. With respect to the position relating to information request, Tilligren discloses that information is obtained (information request) based on the precise position of the pen, position of the sensed coded data portion.

MPEP § 2111 provides that claims must be given their broadest reasonable interpretation. Further, it is generally considered improper to read limitations contained in the specification into the claims. See *In re Prater*, 415 F.2d 1393, 162 USPQ 541 (CCPA 1969) and *In re Winkhaus*, 527 F.2d 637, 188 USPQ 129 (CCPA 1975), which discuss the premise that one cannot rely on the specification to impart limitations to the claim that are not recited in the claim.

Therefore, Applicant's request for allowance and withdraw of the most previous Office Action have been carefully considered and respectfully denied in view of the current response.

Thus, the current Office Action is made FINAL.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Pettersson et al, US 6,548,768 B1 provides for a system and method for determination of a position code utilizing coordinates and a sensing device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL R. STIBLEY whose telephone number is (571) 270-3612. The examiner can normally be reached on Mon. - Fri. 9 a.m.-5 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ROBERT WEINHARDT can be reached on (571) 272-6633. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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3688

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